

**Finding of No Significant Impact
Recreation and Public Purposes Lease Change of Use and Conveyance of Public
Lands in Nye County, Nevada**

**Serial Number: N-57750
DOI-BLM-NV-S030-2014-0012-EA**

I have reviewed the Environmental Assessment (EA) DOI-BLM-NV-S030-2014-0012-EA dated May 28, 2015 for a Recreation and Public Purposes (R&PP) Lease Change of Use and Conveyance of public land for a landfill. After consideration of the environmental effects as described in the EA and incorporated herein by reference, I have determined that the Proposed Action alternative identified in the EA will not significantly affect the quality of the human environments and that an Environmental Impact Statement is not required to be prepared.

I have determined that the Proposed Action alternative is in conformance with the approved Las Vegas Resource Management Plan and Final Environmental Impact Statement (dated October 5, 1998) and is consistent with the applicable plans and policies of county, state, Tribal and Federal agencies. This finding and conclusion is based on my consideration of the Council on Environmental Quality criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context

The lands studied in the EA are proposed for conveyance by patent to the State of Nevada, Division of State Lands. These lands total 400 acres and are located approximately 11 miles south of Beatty, Nevada adjacent to highway US-95. The two communities nearest to the Proposed Action area are unincorporated Beatty and Amargosa Valley which is 20 miles southeast of the site. The subject lands have been leased to the State of Nevada since 1962 for use as a buffer surrounding an existing landfill located on State of Nevada owned land. The Proposed Action would convert the lease to a patent to allow future use of the land for expansion of State landfill operations. Existing use of these lands include a U.S. Geological Survey (USGS) hydrological study site and access road right-of-way, the State facility administration center right-of-way, stockpiling of clean fill dirt, and other rights-of-way including interior roads, the State highway, and overhead and buried utilities. Casual use from public land visitors not associated with the existing lease includes OHV travel and other temporary activities. Public use of the area would be excluded once the land is transferred to the State.

Intensity

1. Impacts that may be both beneficial and adverse.

The EA considered both beneficial and adverse impacts of the Proposed Action. The proposed conveyance would result in the loss of 400 acres of suitable desert tortoise habitat of which 299.3 acres would be disturbed during future State activities. Although desert tortoises have not been found in the Proposed Action area, since there is undisturbed habitat within and adjacent to the site and burrows within the Proposed Action site, there is potential for tortoises to be present in the Proposed Action area. The Proposed Action would be in compliance with section 7 of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.) for consultation with the USFWS on effects to federally listed species. The Proposed Action has a "may affect, likely to adversely affect" determination for the threatened desert tortoise and a "no effect" for its critical habitat. An environmental assessment is appropriate for this Proposed Action because impacts analysis determined that there are no extraordinary circumstances potentially having effects that may significantly affect the environment.

The Proposed Action of conveying lands to State of Nevada Division of Lands may provide the State and local governments with economic benefits to use the land for expanding the current landfill to accept and process waste, thus creating additional work and jobs for state and contractor employees and to businesses supporting the landfill (e.g. transportation companies, specialty products manufacturers, other compliance oversight agencies, etc.). The Proposed Action may also provide a social benefit to the public by providing land to be used for safely storing and processing hazardous and non-hazardous waste and thus potentially reduce risk of harm to the public.

2. The degree to which the Proposed Action affects public health or safety.

The Proposed Action would result in an expansion of the existing landfill which would be operated and monitored for non-hazardous and hazardous waste disposal, as a Resource Conservation and Recovery Act (RCRA), Subtitle C landfill. The RCRA Subtitle C identification and classification of hazardous solid waste is subject to Federal and State law, and can include a variety of substances after they are stabilized or contained. Administered under current State and Federal regulations and oversight, the Proposed Action can be expected to provide a safe and secure repository for these wastes in an arid, isolated area.

Operational requirements under Nevada Department of Environmental Protection and Environmental Protections Agency rules are intended and expected to reduce threats to public health and safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

No sites within the Proposed Action area are recommended eligible to the National Register of Historic Places (NRHP). One site outside of the Proposed Action area but within the Proposed Action direct Area of Potential Effect (APE) is recommended eligible. There are nine sites that are within the indirect APE that are considered eligible to the NRHP. These nine sites would not be further affected visually due to the prior existence and impacts from the current landfill facility and US-95. No eligible cultural resource sites are present within the Proposed Action site. One eligible cultural resource site is located within the 15 meter buffer around the Proposed Action and can be avoided during construction since it is outside the Proposed Action area.

No known areas of cultural concern to tribes are in or nearby the Proposed Action area. Park land, prime farmlands, wetlands, wild and scenic rivers and ecologically critical areas are not affected by the Proposed Action.

4. The degree to which the effects on the quality of the human environment are likely to be controversial.

Scoping with Tribes, other government agencies and local governments were completed on the Proposed Action. Public comment opportunities were provided from January 12, 2015 thru February 26, 2015 on the Notice of Realty Action and the Draft EA. Scoping and the Final EA for the Proposed Action do not indicate likely controversial effects on the quality of the human environment.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The Proposed Action of a change of use and conveyance of land under the R&PP Act does not involve highly uncertain or unique or unknown risks. The Proposed Action is an administrative action and will be done under well-established processes. A Phase 1 Environmental Site Assessment (ESA) for the 400-acre area was completed by the Resource Concepts, Inc. in April 2015 and approved by BLM in June 2015, and is included as Appendix A to the Environmental Assessment. That report did not find any evidence of recognized environmental conditions (RECs) within the 400-acre parcel in which the landfill would be developed. Defined by American Society for Testing and Materials (ASTM) standard E 1527-05, a REC indicates "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property....".

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Proposed Action would be implemented within existing authorities, regulations and policies, conforms to the R&PP Act, and does not set a precedent for future actions. The decision to be made does not involve a principle about future considerations.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Under the Proposed Action, no significant cumulative effects were identified in the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

No adverse affects to listed or eligible NRHP components and no loss of significant scientific, cultural, or historical resources were identified.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.

The Proposed Action would be in compliance with section 7 of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.) for consultation with the US Fish and Wildlife Service (USFWS) on effects to federally listed species. The Proposed Action has a "may affect, likely to adversely affect" determination for the threatened desert tortoise and a "no effect" for its critical habitat. A Biological Opinion has been issued for the Proposed Action and Minimization Measures have been developed.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Proposed Action is in compliance with the Las Vegas RMP and Final Environmental Impact Statement (dated October 5, 1998) and would not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Avoidance and Minimization Measures:

Effects the Proposed Action may have on resources were addressed for air quality, cultural/historic, greenhouse gas emissions, fish and wildlife, floodplains, fuels/fire management, geology and mineral resources, energy production, hydrologic conditions, invasive species/noxious weeds, threatened and endangered or candidate species, lands/access, renewable energy, migratory birds and other resource issues. The Biological Opinion for the proposed action includes the following minimization measures to be completed by the Proponent:

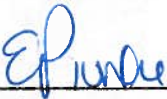
Payment of \$252,010.60 as Desert Tortoise remuneration fees;
Tortoise exclusion fencing of the 400 acre site;
Tortoise survey and clearance within the 400 acre site;
Fence monitoring and maintenance;
Nevada Division of Wildlife permits for handling of any Gila Monsters that are encountered.

Additional minimization and avoidance measures are not required for the Proposed Action change of use and land conveyance.

Comments from the public and stakeholders that provide substantive information relevant to the analysis and mitigation measures for the change of use and land conveyance are included in the EA. All comments related to planned use of the site were referred to the project proponent for use in the future permitting, operation and closure of the landfill.

Signatures:

Recommended by:



Project Lead: Erica Pionke, Realty Specialist

5/28/15
Date

Approved by:



Deborah J. MacNeill, Field Manager, Pahrump Field Office

5/28/15
Date